

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)
	)
AVALON COMMUNICATIONS	)
CORPORATION	)
	)
Petition to Delete Frequency 162.025 MHz from	)
License for Marine Public Coast Station WAH, St.	)
Thomas, United States Virgin Islands	)

**ORDER OF MODIFICATION**

**Adopted: October 12, 2005**

**Released: October 13, 2005**

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order of Modification*, we modify the authorization of Marine Public Coast Station WAH, St. Thomas, United States Virgin Islands, licensed to Avalon Communications Corporation (Avalon), by deleting frequency 162.025 MHz. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Avalon's license.<sup>1</sup>

2. *Background.* Marine VHF Channel 88 (ship transmit frequency 157.425 MHz/coast transmit frequency 162.025 MHz) is available under certain circumstances for use by public coast stations near the Canadian border, but is otherwise allocated exclusively for Federal Government use.<sup>2</sup> In 1986, after coordinating the request with the Interdepartment Radio Advisory Committee (IRAC) of the National Telecommunications and Information Administration (NTIA),<sup>3</sup> the Commission granted the request of Avalon's predecessor in interest for authorization to transmit on frequency 162.025 MHz.<sup>4</sup> IRAC's approval of the request was for a five-year period, and any renewal of the authorization was conditioned on Station WAH again coordinating the use of the frequency with the IRAC.<sup>5</sup> Due to administrative oversight, however, the condition requiring that use of frequency 162.025 MHz be re-coordinated with the IRAC was not added to the license, and the license was renewed (most recently in 2003) without recoordination.

3. On April 11, 2005, NTIA requested that the Commission rescind Avalon's authorization

<sup>1</sup> See Avalon Communications Corporation, *Order Proposing Modification*, 20 FCC Rcd 12030 (WTB PSCID 2005) (*Order Proposing Modification*).

<sup>2</sup> See 47 C.F.R. §§ 2.106 n.US223, 80.371(c)(1)(i) n.3.

<sup>3</sup> The IRAC is a committee of the Federal departments, agencies, and administrations that advises NTIA in assigning frequencies to Federal radio stations and in developing and executing policies, programs, procedures, and technical criteria pertaining to the allocation, management, and use of the spectrum. Amendment of Parts 2, 25, and 73 of the Commission's Rules to Implement Decisions from the World Radiocommunication Conference (Geneva, 2003) (WRC-03) Concerning Frequency Bands Between 5900 kHz and 27.5 GHz and to Otherwise Update the Rules in This Frequency Range, *Report and Order*, ET Docket No. 04-139, 20 FCC 6570, 6636 (2005).

<sup>4</sup> See Bureau Chief Waiver of Commission Rules, dated November 21, 1986, from Gary R. Stanford, Chief, Licensing Division, Private Radio Bureau.

<sup>5</sup> See IRAC FAS Docket No. I8625476.

to transmit on frequency 162.025 MHz.<sup>6</sup> NTIA notes that Station WAH's use of frequency 162.025 MHz is no longer authorized, and requests that the license be corrected accordingly.<sup>7</sup> It also indicates that Station WAH is causing interference to Automatic Identification System (AIS)<sup>8</sup> operations on the frequency, resulting in a hazard to navigation for international shipping within approximately two hundred miles of St. Thomas.<sup>9</sup> In the *Order Proposing Modification*, we concluded that Avalon's renewal applications should have been coordinated with the IRAC, as provided for in the initial authorization from NTIA, and that grant of the applications was therefore improper.<sup>10</sup> Consequently, we proposed to modify the license for Station WAH to delete frequency 162.025 MHz.<sup>11</sup>

4. *Discussion.* The *Order Proposing Modification* was released on July 7, 2005. Avalon did not protest the proposed modification of its license within the requisite thirty-day time frame.<sup>12</sup> Accordingly, Avalon is deemed to have consented to the proposed modification.<sup>13</sup> Based on the record before us, we conclude that it is in the public interest to modify Avalon's station license for WAH by deleting frequency 162.025 MHz.

5. *Ordering Clauses.* Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of Commission's Rules, 47 C.F.R. § 1.87, that the license for Marine Public Coast Station WAH held by Avalon Communications Corporation BE MODIFIED by removing the frequency 162.025 MHz.

6. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to Avalon Communications Corporation, 7844 Mountain Top, St. Thomas, United States Virgin Islands 00802.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

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<sup>6</sup> Letter dated April 11, 2005 from Karl B. Nebbia, Deputy Associate Administrator, NTIA to Ronald Repasi, Federal Communications Commission.

<sup>7</sup> See *id.* at 1.

<sup>8</sup> AIS is a maritime navigation safety communications system standardized by the International Telecommunication Union for use in collision avoidance and vessel monitoring and tracking. It employs on-board transponders, electronic charts, Differential Global Positioning System technology, and a technique called Self-Organizing Time Division Multiple Access to provide a VHF ship-to-ship and ship-to-shore radio service in which vessels and designated shore stations broadcast a unique identifier, coupled with safety-related data on, for example, ship positions, routes, dimensions, and navigational status. AIS-transmitted information can be received by similarly equipped vessels and shore stations in order to mitigate the risk of collisions and facilitate vessel monitoring and tracking. Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems, Petition for Rule Making Filed by National Telecommunications and Information Administration, *Memorandum Opinion and Order and Notice of Proposed Rule Making*, WT Docket No. 04-344, 19 FCC Rcd 20071, 20074 ¶ 5 (2004) (*AIS NPRM*) (citing Amendments of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Second Report and Order*, *Sixth Report and Order*, and *Second Further Notice of Proposed Rule Making*, WT Docket No. 00-48 & PR Docket No. 92-257, 19 FCC Rcd 3145, 3179 ¶ 64 (2004)).

<sup>9</sup> See Letter dated March 1, 2005 from Joseph D. Hersey, Jr., United States Coast Guard to Karl B. Nebbia, Chairman, IRAC. NTIA's request that the Commission designate frequency 162.025 MHz exclusively for AIS is being addressed in a separate proceeding. See *AIS NPRM*.

<sup>10</sup> See *Order Proposing Modification*, 20 FCC Rcd at 12031 ¶ 5.

<sup>11</sup> *Id.*

<sup>12</sup> See 47 C.F.R. § 1.87(g)(1).

<sup>13</sup> See 47 C.F.R. § 1.87(h).

FEDERAL COMMUNICATION COMMISSION

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